



# PUBLIC NOTICE

**US Army Corps  
of Engineers®**

## APPLICATION FOR PERMIT

*LOS ANGELES DISTRICT*

**Public Notice/Application No.: 200300131-RJL**

**Comment Period:** February 3, 2002 through March 5, 2003

**Project Manager:** Mr. Robert Lawrence (858) 674-5384; robert.j.lawrence@usace.army.mil

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**Applicant**

City of Poway  
13325 Civic Center Drive  
Poway, CA 92064

**Contact**

Jim Lyon  
Senior Planner  
858-679-4257

**Location**

The project area is located on the east side of Community Road between Ketron Avenue and Aubrey Street within the City of Poway, San Diego County, California.

**Activity**

The project proposes to widen an approximate 2,500-linear-foot section of Community Road from two lanes to four lanes, which will necessitate the relocation and widening of the adjacent Rattlesnake Creek channel to the east. A total of approximately 1,300 linear feet (1.19 acres) of Corps jurisdiction will be impacted by the project. To accommodate the 100-year flood hazard the creek will be widened from approximately 30 to 100 feet. (see attached drawings). For more information see page 3 of this notice.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act. Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch - San Diego Field Office  
ATTN: CESPL-CO—200300131-RJL  
16885 W. Bernardo Drive, Suite 300-A  
San Diego, California 92127

Alternatively, comments can be sent electronically to: robert.j.lawrence@usace.army.mil

### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **Preliminary Review of Selected Factors**

#### **EIS Determination**

A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

#### **Water Quality**

The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

#### **Coastal Zone Management**

The project is not located within the Coastal Zone.

#### **Cultural Resources**

The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

#### **Endangered Species**

The project Baseline Biological Survey indicated that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

#### **Public Hearing**

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

Rattlesnake Creek enters the project area from the east, turns south and parallels Community Road to Sycamore Avenue where it passes under the road toward Hilleary Park. A majority of the creek is contained within an existing earthen channel typically no more than 30-foot wide. To accommodate the additional travel lanes proposed with the road widening, a 1,300 linear foot section (1.19 acres) of the Rattlesnake Creek channel, which parallels Community Road, must be moved to the east and widened from approximately 30 feet to 100 feet, top of slope to top of slope. The expanded channel is necessary to accommodate floodwaters associated with a 100-year storm and will remove Community Road and the adjoining residents to the east from the Rattlesnake Creek floodway and floodplain. The project will also prevent Rattlesnake Creek from continuing to undermine Community Road.

### **Additional Project Information**

In order to provide periodic maintenance of the channel and to remove debris from the box culvert, the City crews need access to the channel bottom. The earthen channel will include the construction of a 10-foot wide vehicle maintenance access ramp located at the northerly end of the channel improvement. To mitigate for the loss of the federally jurisdictional Disturbed Wetland and Southern Riparian Scrub, the City proposes to recreate and enhance 2.9 acres of wetland habitat consisting of 1.62 acres of Southern Willow Scrub along the sides of the new drainage channel and 0.84 acre of Freshwater/Alkali Marsh to revegetate the channel bottom. These areas will be planted with container plants and seed and irrigated until established. Additionally, 0.44-acre will be seeded in the meandering low flow channel at its center. Thus 2.9 acres of new wetlands will be planted of which 2.38 acres is proposed as project mitigation.

### **Proposed Special Conditions**

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

For additional information please call Robert Lawrence of my staff at (858) 674-5384. This public notice is issued by the Chief, Regulatory Branch.